

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

ELIJAH RUSSELL,

Plaintiff,

VS.

LT. TURNER, et al.,

Defendants.

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) Case No. 1:05-cv-731-VEH-PWG

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on August 2, 2006, recommending this cause be dismissed without prejudice pursuant to 42 U.S.C. § 1997e(a). Plaintiff filed objections on August 17, 2006. Plaintiff did not set forth his objections in detail but merely stated that he did not “completely agree with [what] the magistrate judge recommends” (Doc. 33.)

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections filed by the plaintiff, the Court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and his recommendation is **ACCEPTED**. The Court **EXPRESSLY FINDS** that there are no genuine issues of material fact and that the defendants are entitled to judgment as a matter of law. Accordingly, defendants' motion for summary judgment is due to be **GRANTED** and this action is due to be **DISMISSED**

WITHOUT PREJUDICE for plaintiff's failure to exhaust administrative remedies pursuant to 42 U.S.C. § 1997e(a). A Final Judgment will be entered.

DONE this the 31st day of August, 2006.

A handwritten signature in black ink, appearing to read "V. Emerson Hopkins", written over a horizontal line.

VIRGINIA EMERSON HOPKINS
United States District Judge